

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA

v.

CRIMINAL COMPLAINT

SCOTT D. SUNDBERG

CASE NUMBER: 21-M- 702

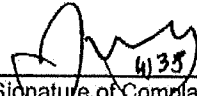
(DOB: XX/XX/1979)

I, James L. Megna, the undersigned complainant, being duly sworn, states the following is true and correct to the best of my knowledge and belief. That on or about August 7, 2021, in the State and Eastern District of Wisconsin, Scott D. Sundberg, did commit a violation of Title 18, United States Code, Section 2252(a)(2) "distribution of child pornography." Further, that on or about August 13, 2021, in the State and Eastern District of Wisconsin, Scott D. Sundberg, did commit a violation of Title 18, United States Code, Section 2422(b) "use of a computer to attempt to entice a minor to engage in sexual activity."

I further state that I am a law enforcement officer with the Winnebago County Sheriff's Office, and this complaint is based on the following facts:

Please see the attached affidavit.

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

 435 8/13/2021
Signature of Complainant 1:58pm
James L. Megna


Sworn to before me and subscribed in my presence,

August 13, 2021
Date

at Green Bay, Wisconsin
City and State

The Honorable James R. Sickel
United States Magistrate Judge

Name & Title of Judicial Officer


Signature of Judicial Officer



AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, James L. Megna, am a sworn law enforcement officer with the Winnebago County Sheriff's Office, and have been so employed for approximately 12 years. I am currently assigned to investigate Internet Crimes Against Children ("ICAC") and as such, I am authorized to investigate crimes to include the distribution of child sexual abuse material and child enticement. I have received training from other law enforcement officers in the investigation and enforcement of state and federal child sexual abuse material and exploitation laws in which electronic devices are used as the means for receiving, transmitting, possessing, and distributing images depicting minors engaged in sexually explicit conduct (hereafter referred to as "child pornography"). I have also received training and gained experience in interviewing and interrogation techniques, arrest procedures, search warrant applications, the execution of searches and seizures, computer evidence identification, computer evidence seizure and processing, and various other criminal laws and procedures.

DETAILS OF THE INVESTIGATION

On May 4, 2020, I began a proactive undercover investigation utilizing Kik messenger posing as a 41 year old female from Wisconsin. The username used in this operation was Ex.cheesyPizza33. I entered multiple public groups which appeared to be created for individuals interested in child sexual abuse material. From these groups, I was added to multiple other private groups within Kik that had members openly engaging in the distribution of child sexual abuse material. One of these groups was named, "Joe's truck stop" which is a private group in KIK Messenger.

The user "Fireman4079" was a member of this group which has been established as a

child sexual abuse material sharing group on Kik Messenger. Over the course of time spent within this group multiple images and videos of child sexual abuse material have been shared with members of the group. Within this group, the user identified above would have had access to multiple images and videos of child sexual abuse material as a member of the group.

The user's profile picture showed a white male, wearing a red long sleeve shirt and jeans, with blondish-red hair and a mustache wearing glasses. The picture was taken outside Lambeau Field in Green Bay, Wisconsin. I sent the user, "Fireman4079" the following private message introducing myself:

08/05/2021 8:36 PM CST UC: "Hey hey asl (four purple devil face emojis)"

08/07/2021 8:04 AM CST User: "37 m mich"

The user asked where I was from in the United States and I said Wisconsin, the Oshkosh area. I asked the user what he was into. The user responded "Ohhh I'm from Michigan Near marquette" "Im into anything really" "How about you". I responded to the user; "No limits. Just no scat" "Messaged because I saw the packers while admiring the group I thought u would probably be local lol". The user responded "I'm 3 hrs away from gb".

The user then asked me a short time later; "What have you all done sexually..young, old, same age". I responded to the user; "Done a lot, u go first". The user responded; 16 yr old...17...19...24..31..and 35". The user then responded, "The 16 yr old...I snuck into her grandparents house and we fucked in her bed over several months".

I asked the user if he had any children of his own. The user responded, "No...my ex wife

didn't want kids which sucked". The user then sent me image of himself, which depicted a white male, late 30's to early 40's, with blondish-red hair that was short, a goatee, wearing glasses and was shirtless, in what appeared to be a room in a basement due to the exposed rafters and wood paneling on the walls. The user then a short time later sent an image that depicted what appears to be the same male, but nude in a bathroom with his penis exposed and his face covered by the cell phone taking the image. The user then sent another image, which depicted the same male from the original image sent, in another bathroom, nude and with his penis exposed.

I responded to that image to the user; "my 15 year old now have a different kind of relationship now. More of a guide into her pleasure world now from the outside looking in". The user responded; "Ohhh" "she is 15 now". I responded to the user, "Yes she is" "Very frustrated with boys her age".

The user responded, "Mmmmm that's hot". I responded to the user, "All about themselves and not pleasure for both involved". The user responded, "She can always have me..if she wants". I responded to the user, "Really?" The user responded, "I'll make sure she cums over and over before me" "Really..as long as it's okay with you". I responded to the user, "That's what she wishes for in a man she's very frustrated and I tell her constantly to keep practicing and she will find someone that will meet her needs". The user responded, "I'll meet her needs...anytime she wants" "And yours too if wanted".

As the conversation continued about if my 15-year-old daughter would like him or not and the possibility of me allowing for him to engage in sexual activity with her, the user said, "I always aim to please...no matter age or relation" "As long as it's a secret I'm down." The user

informed me that he lived in a suburb, near the woods. The user sent an image of himself wearing a grey Green Bay Packers hat and a sweat shirt, with a wooded area and a body of water in the background. The next image himself wearing the same clothing and similar type of background. I asked where that was and he said it was about 20 minutes from his house, near the Northern Michigan University campus. The user sent a number of images of the area and said that he used three different types of cell phones to take those images. The user responded that he had a LG Phoenix, 5, and now he has a Samsung phone, but has had three different phones over a three-year period.

The user sent the message, "Were you able to show Kay the pic I sent last night". I asked which one and the user said the one before I sent the image of his niece, "How does she like my dick". The user then sent the message, "How tight is her lil pussy". I explained to her that she is 15-years-old. The user responded, "Mmmm I really hope we all can meet" "Me fucking her...while ur naked and rubbing ur pussy". The user then sent a live image of himself standing nude, with his penis exposed, in again what appears to be his basement at his residence. The second live image the user send was of a downward angle showing his penis. The third live image was of his penis. The user then sent a live video of himself masturbating. The user then asked if he could see more images of my daughter and me.

I sent the user an image of what I informed him to be my 15-year-old daughter. The user responded with, "Damn...ur daughter is HOT!!!!!" The conversation continued and the user said, " Would u wanna be a grandma". I responded to the user, "I'd love to even better if I could watch it happen". The user responded with, "You can". I replied to the user; "U seriously ok with that?" The user responded, "Yeah...I fucked a 16 yr old" "And I know her sister who was

right next door heard us and probably watched". I responded to the user, "That's super fucking sexy" "I'm happy we met lol". The user responded, "Yeah it was...she even let me blow loads in her all the time" "Me.too" "I hope she loves how big I am" "I'm sure u do".

The user then sent an image of an adult males penis being held by a hand. I responded to the user, "I just showed her the pics" "She said omg are u serious he likes me" "(The smile heart face emojis)". The user responded, "Yeah I do" "Does she like my dick" "I would eat her pussy till she screamed". The user went on to explain how he had weekend off that that he works Monday through Friday 6am to 3pm, but 5am to 2pm our time. I sent the user the message "Vacation or sick day tomorrow? lol" The user responded, "Used all my vacation" "I can be there Friday or Saturday". The user went onto explain house he is only four hours away from our location in Oshkosh, Wisconsin.

I informed the user that I could tell my husband that my daughter and I were going to the mall for a girls' day and then Kay is sleeping over at a friend's Friday night. I informed the user that my daughter and I could not drive very far due to my husband tracking the gps on our phones. The user asked where the closest mall was. I informed him the Oshkosh Outlet Mall, but that we could get a hotel and he could meet us at the park and ride to take us to the Motel 6 in Oshkosh. During the course of conversation while talking about meeting the user sent the message, "No...just.got my dick in ur daughter on ur brain". I informed the user that Friday would be best to meet. The user agreed and he told me that he would know for sure if he was coming by Thursday or Friday morning.

I introduced myself as Lisa to the user and asked him what he did for work. The user responded, "I work at a local home improvement store..and retired firefighter" "I'm Scott". The

user a short time later sent me a live image of him sitting in a white tank top and the wood paneling wall behind him with a small wood shelf, decorative leaves, a black framed clock and a gold framed picture. I asked the user if he still had his firefighting gear and he said that he did not but he still had the helmet. I informed him that my 15-year-old daughter names Kay, would love to wear it as a surprise.

The user then sent the message, "How would explain to hubby if I got her pregnant". As the conversation continued about how my husband has caught her with boys her age before, the user sent the message, "Hope she like a good fucking". I responded to the user, "It's gonna be such an amazing experience that I hope we never forget." The user responded, "Cause I'm gonna POUND her little pussy".

I asked the user if there was any way I could contact him in the event that one of us lost KIK Messenger. The user informed me that his snapchat name was, "fireman7230." I could only find the user "fire7230" and sent him a screen shot of the snapchat profile user asking if that was him and he confirmed that the second user, "fire7230" was his snapchat account. The user also informed me that if this weekend went well that we could have his phone number. The user then asked for my snapchat and my daughters snapchat account. I informed him that she did not have an account.

The user then asked how old my daughter Kay was in the original undercover image I sent him. I informed the user that she was "13ish" in that image. The user responded with, "Nice...I can imagine what she looks like now". I sent him another undercover image and informed him that this was from May of this year. The user responded with, "Wow!!!! She is very very beautiful."

The user then said that if my daughter goes to college, that she can always live with him for cheaper tuition and rent. The user also sent the message, "Yes it does...would u allow us to date if things go well". I informed the user that was a good plan and asked what college was close to him. The user informed me that Norther Michigan University was the closet to him, that it was about a 20 min drive and about 4 and 1/2 hour drive for me.

The user then sent the message, "How nice is Kay's body". I informed the user that Kay was a cheerleader. The user responded with, "Ohhhhh so very tight and sexy". The user then asked how tall my daughter was and I informed him that she was 4'9". The user responded, "Mmm short, cheerleader, so I can bend her anyway I want" "Lol" I can wait to meet her" "And you as well mommy," "This will be my 1st mother/daughter" "Would you want another child too" "Ill get u both pregnant if u want". The user then sent an image of a males erect penis being held by a hand, which matches the previous images sent that he said was his penis. The user then sent messages in reference to my 15-year-old daughter, "She will get FUCKED and filled up my sperm" "I wanna fuck you both BADDDDDD".

The user then sent another live image of his penis, with a similar background while he is laying down, with a tv and clothes hanging in the background. It should be noted that a live image is shown by the KIK application with the words "camera" under the image sent. The user asked how my daughter was today. I informed him I was at work and that she was still at a sleepover before I had left. The user sent the messages, "Ohhh is she happy that I like her" "Did u think of my dick in you and her last night" "And eating both ur pussies till u both cum over my face".

As conversations continued the user would often ask if my daughter Kay had said

anything to me about him. We continued to speak about him possibly traveling to have sex with my 15-year-old daughter and he informed me that he had to make sure his financial situation was in order for him to be able to afford to drive down to Oshkosh, WI. I talking he did inform me that he lived in a four-bedroom, two story house. The user then said to me, "Yeah...my 3 yr old niece and sister love it here" I asked the user if the 3-year-old stays with him. The user responded with, "Yeah...her and her bf broke up and I told her they can stay as long as they want till they find a house of their own. The user then sent me three images. the first image was of a clothed female, approximately 3-5 years of age, wearing a white t-shirt with a zebra printed on the front and peach shorts. In the background there is a elderly man seated in a camp chair and a yellow car. The second image is the same child, wearing a red top and blue and white dress, wearing sunglasses while what appears to be a parade happening in the background. The third image is the same child, in the same outfit sitting in a camp chair with her legs spread open and her underpants exposed. The user informed me that they have been staying with them for about four months. I then made a comment to him about parades and how i enjoyed them. The user the responded, "Plus get to see alot of teens wearing almost nothing if it's hot". The user then said, "The dance clubs are my fav" "All ages from 8 to 18" "But my fav age is 13 to 18 ones" "Tight outfits with girls with boobs some just getting theirs" "How nice are Kay's boobs".

The user then sent a live image of what appears to be him sitting on his porch at his residence and you can see a tan commercial building down the street and a house with blue siding and a deck across the street on the corner. The user explained to me that he lived in a suburb near the woods.

The user then asked to see more images of my daughter and me. I sent him a number of undercover images of who he believed to be "Lisa". The user then sent the message, "Mmmmm I can't wait to see u naked and rubbing urself as I fuck Kay". The user then sent another live image of his penis.

The user continued throughout the conversations since August 5, 2021, to send videos and images of his penis and of him masturbating.

On August 12, 2021, while talking to him about meeting up the following day, the user said at 09:09 AM CST "U promise no police or anything". The user informed me that he had to work till 2pm his time..then it's about a four hour drive and would arrive in Oshkosh, WI at 6 PM CST. The user also asked if I would allow him to be alone with my 15-year-old daughter the night of August 13, 2021 after we initially meet up.

The user said "I promise I wont do anything to hurt either one of my sexy girls" "Ill make her dreams come true". In speaking about meeting in Oshkosh, Wisconsin on August 13, 2021, with the user I asked him is he was going to make it amazing for my daughter. The user responded, "Yes I will...her pussy will have my tongue till she cums" "Then she will TAKE my dick till she cums again and again...all night" "There won't be one place in our room that she won't be fucked in". The user then sent the message, "Where does mommy want me to cum" "On Kay or inside her..or share with you both"

The user sent the message "I'm sure Kay and I will have a few times in the shower" "The 2 of us might never sleep" "Her pussy will be sore ill say that". The user then asked "Do u want her pregnant" "or should we wait on that".

The conversation continued about where to meet. The user brought up the Oshkosh Outlet Malls located off Washburn St in the City of Oshkosh. I again informed the user that I would leave my car somewhere in the area and he would pick us up. The user said there would be plenty of room in his truck, that it could fit six people, but that my daughter, him, and I could all sit in the front seat together. The user then sent the message, "I'm really excited to be with u both... and so very thankful u are giving me this opportunity" "To put my dick in a 15 yr old daughter and mom is gonna be there and join is sooo incredibly HOTTTT" "Having mom watch me fuck her daughter then mom is a dream".

The user sent the message, "When we go to the hotel we ca pretend like husband and wife with our daughter". The user then sent a live image of a packed bag with a helmet in it. The user said he packed his fire fighter helmet and sent the message, "She will have it on while bouncing on my hard dick".

Through our investigations, Winnebago County Detective Lt. Christopher Braman found that the images that user claimed to be his niece at some type of parade, was taken in Ishpeming, Michigan, in the Western District of Michigan. As the investigation into who the user was continued, Detective Lt. Braman informed me he had located the image that the user had sent to me on KIK Messenger, of him with the grey Packers hat, dark grey sweatshirt, with a wooded area and body of water behind him on Facebook, under the profile name of Scott Sundberg of Ishpeming, Michigan.

The Kik messenger user was identified as Scott Daniel Sundberg, DOB: [REDACTED] 1979,

address [REDACTED] I should also be noted that the image sent of the user sitting out front of his house that showed a the neighborhood, matches the same image of his residence from Google maps.

While going through Sundberg's Facebook page, I did observe a number of images posted by him with the same young blonde female he claimed to be his niece. I located an image that Sundberg posted on October 6, 2020 of a Ford F-150. Through a date collection site used by the Winnebago County Sheriff's Office that a red Ford F-150 with a Michigan plate number of EJE1917 which returns to 2005 Ford F-150 to Sundberg.

On August 13, 2021, at 3:42 AM CST I messaged the user and he responded at 3:48 AM CST that he started work early so he could done for the day at an earlier time for the trip. At 8:01 AM CST the user messaged me that he was going to try and leave work at 10 AM his time, 9 AM my time and that it would be about a four-hour drive. I informed the user that the best place to meet for him to pick us up would be the park and ride next to the outlet mall in Oshkosh, WI off of Hwy 44 and Washburn. I informed him it was close to the Motel 6 and other places. The user agreed and said at 9:08 AM CST that he was leaving work at that time, he needed to get cash and gas and would be on his way. The user informed me that he would tell me when he was at the Wisconsin/Michigan border. I provide the address of the outlet mall located at 2550 S. Washburn St, Oshkosh, WI 54904.

The user then sent me a live image of a Ford steering wheel, that was grey with three cruise control buttons. You can tell the user is wearing a pair of blue jean shorts. In the image he is holding a vape pen and the user informed me it was weed in a vape to calm himself down.

A short time later the user then sent me a live image of him driving. He is in a black t-shirt with glasses on inside what appears to be a pick-up truck and at 11:03 AM he informed me that he was on hour from the border.

At approximately 12:30 PM on today's date, I received a message from the user informing me that he has just crossed over the border into the State and Eastern District of Wisconsin.

I am aware based on the above recitation and my training and experience that the user, Scott D. Sundberg, engaged in the attempted enticement of a minor as that charges is defined under federal law.

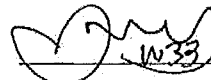
I can further inform the Court that on August 7, 2021, the user, Scott D. Sunberg, distributed to a KIK group of which I am a member, a video entitled "img_1145," which depicts a clothed pubescent female, approximately 10-13 years old. The female removes her clothing and starts to dance in front of the camera exposing her genitals. This image was sent between approximately 4:21 AM and 4:23 AM CST. Subsequent to that distribution, on that same date, the user distributed a video entitled "img_1141," which depicts a nude adult female laying on a bed with a nude prepubescent female approximately 2-4 years of age, laying on her back with her vagina exposed, while the nude adult female preforms oral sex on the prepubescent female. This video was sent at approximately 4:26 AM CST.

All of the above communication between myself and Scott D. Sundberg utilized facilities of interstate communication, the internet, and computers or cellular telephones.

I am also aware that if sexual activity as described by Scott D. Sundberg had occurred, it would have constituted the crime of Second Degree Sexual Assault of a Child, contrary to Wisconsin Statute § 948.02(2).

CONCLUSION

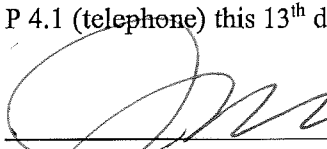
Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that Scott D. Sundberg, has committed acts in violation of Title 18, United States Code, Section 2422(b) "use of a computer to attempt to entice a minor to engage in sexual activity" and Title 18, United States Code, Section 2252(a)(2) "distribution of child pornography."

 8-13-2021 1:55pm

Deputy James L. Megna

Winnebago County Sheriff's Office

Sworn and attested to me by reliable electronic means pursuant to the requirement of Fed R. Cr. P 4.1 (telephone) this 13th day of August, 2021.


The Honorable James R. Sickel
United States Magistrate Judge

